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Psydrax odorata, *Sida fallax*, *Sophora chrysophylla*, or *Waltheria indica*; and

(ii) Elevations between 29 and 128 m (94 and 420 ft).

(2) *Ferns and allies*.

FAMILY ASPLENIACEAE: ***Asplenium fragile*** VAR. ***insulare*** (NCN)

Hawaii 24—*Asplenium fragile* var. *insulare*—a, identified in the legal description in paragraph (k) of this section, constitutes critical habitat for *Asplenium fragile* var. *insulare* on Hawaii. Within this unit, the currently known primary constituent elements of critical habitat include, but are not limited to, the habitat components provided by:

(i) *Metrosideros polymorpha* dry montane forest; *Dodonaea viscosa* dry montane shrubland; *Myoporum sandwicense-Sophora chrysophylla* dry montane forest; *Metrosideros polymorpha-Acacia koa* forest; or sub-alpine dry forest and shrubland with large, moist lava tubes (3.05 to 4.6 m (10 to 15 ft) in diameter), pits, deep cracks, and lava tree molds that have at least a moderate soil or ash accumulation or that are at the interface between younger aa lava flows and much older pahoehoe lava or ash deposits with a fairly consistent microhabitat (areas that are moist and dark); and containing one or more of the following associated native plant species: *Leptecophylla tameiameia*, *Phyllostegia ambigua*, *Vaccinium reticulatum*, mosses, or liverworts; and

(ii) Elevations between 1,313 and 2,194 m (4,306 and 7,198 ft).

FAMILY ASPLENIACEAE: ***Diellia erecta*** (ASPLENIUM-LEAVED DIELLIA)

Hawaii 17—*Diellia erecta*—a and Hawaii 18—*Diellia erecta*—b, identified in the legal descriptions in paragraph (k) of this section, constitute critical habitat for *Diellia erecta* on Hawaii. Within these units, the currently known primary constituent elements of critical habitat include, but are not limited to, the habitat components provided by:

(i) *Metrosideros polymorpha-Nestegis sandwicensis* lowland mesic forest containing one or more of the following associated native plant species: *Antidesma platyphyllum*, *A. pulvinatum*, *Diospyros sandwicensis*, *Microlepis* sp.,

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Nephrolepis spp. *Nestegis sandwicensis*, *Psydrax odorata*, *Wikstroemia phillyreifolia*, or *Wikstroemia sandwicensis*; and

(ii) Elevations between 510 and 981 m (1,672 and 3,217 ft).

FAMILY GRAMMITIDACEAE: ***Adenophorus periens*** (PENDENT KIHII FERN)

Hawaii 28—*Adenophorus periens*—a, identified in the legal description in paragraph (k) of this section, constitutes critical habitat for *Adenophorus periens* on Hawaii. Within this unit, the currently known primary constituent elements of critical habitat include but are not limited to, the habitat components provided by:

(i) Epiphytic on *Metrosideros polymorpha* or *Ilex anomala*, or possibly other native tree trunks, in *Metrosideros polymorpha-Cibotium glaucum* lowland wet forest containing one or more of the following associated native plant species: *Broussasia arguta*, *Cheirodendron trigynum*, *Cyanea* sp., *Cyrtandra* sp., *Dicranopteris linearis*, *Freycinetia arborea*, *Hedyotis terminalis*, *Labordia hirtella*, *Machaerina angustifolia*, *Psychotria hawaiiensis*, or *Psychotria* sp.; and

(ii) Elevations between 675 and 921 m (2,215 and 3,021 ft).

[68 FR 9241, Feb. 27, 2003, as amended at 68 FR 13055, Mar. 18, 2003; 68 FR 26038, May 14, 2003; 68 FR 28072, May 22, 2003; 68 FR 36080, June 17, 2003; 68 FR 39704, July 2, 2003; 77 FR 57767, Sept. 18, 2012]

Subpart J—Manatee Protection Areas

SOURCE: 44 FR 60964, Oct. 22, 1979, unless otherwise noted.

§ 17.100 Purpose.

This subpart provides a means for establishing manatee protection areas without waters under the jurisdiction of the United States, including coastal waters adjacent to and inland waters within the several States, within which certain waterborne activities will be restricted or prohibited for the purpose of preventing the taking of manatees.